

REMARKS

Claims 1, 21 and 34 have been amended to overcome a portion of the § 112 rejection.

The rejection of claims 1-10, 21-26 and 34-39 under 35 U.S.C. 112, first paragraph, is respectfully traversed. The terms cashless data and non-cashless data have been removed from the claims.

Regarding the Examiner's statement that the specification fails to clearly define any data as being required is respectfully traversed. The Examiner's attention is directed to page 12, paragraph 24 (emphasis supplied):

Some of the input data in central database 24 also is transmitted over subnetwork 18 to local database 46 and is stored in database 46. On occasion, one of gaming machines 100 and 102 requires transmission of input data stored in local database 46, and the input data is sent to the gaming machine under control of CPU 42.

Page 13, paragraph 26:

Some of the input data in central database 24 also is transmitted over subnetwork 19 to local database 66 and is stored in database 66. On occasion, one of gaming machines 104 and 106 requires transmission of input data stored in local database 66, and the input data is sent to the gaming machine under control of CPU 62.

Page 22, paragraph 46:

The poller uses data required by games 100 and 102 from the local database 46 whenever possible. The poller obtains data relating to balances in player accounts and ticket 138 from the RT database in central database 24 and stores the data in database 46.

Page 27, paragraph 59:

From time-to-time, the input data stored in database 24 may be required by game 100 or game 102. Such data periodically is copied from database 24 and is stored in database 46 by the data mover function of unit 40. For example, the data mover function of unit 40 may retrieve from database 24 ticket, player, meter and jackpot data originating from gaming machines 100 and 102 played within the preceding 36 hours (or another time period) and store the data in database 46. As a result, the data will be readily available for use by gaming machines 100 and 102 even if central authority 22 is temporarily disabled.

Thus, each of the references in the claims to data required by the gaming machines is supported by the specification.

In summary, the claims now are in compliance with § 112, first paragraph.

Regarding the 35 USC § 102 rejections, the rejection of claims 1-7 and 10 under 35 U.S.C. 102(a) as being clearly anticipated by Acres '483 ("Acres") is respectfully traversed. Currently amended claim 1 reads as follows (emphasis supplied):

1. (Currently Amended) In a gaming system comprising a plurality of gaming machines and a first database arranged to store input data and output data, apparatus

for providing data storage and communications between the gaming machines and the first database comprising:

a network; and

a data processing unit comprising a second database, the data processing unit being arranged to poll the gaming machines to obtain the output data over the network, to store the output data in the second database, to transmit the output data over the network to the first database, to obtain the input data from the first database required by the gaming machines, to store the required input data in the second database, and to transmit at least a portion of the required input data from the second database to the gaming machines over the network.

Acres does not anticipate the subject matter of amended claim 1. The Examiner construes the Acres accounting system 38 as the claimed first database. Amended claim 1 is limited to a processing unit arranged to obtain the input data from the first database required by the gaming machines, to store the required input data in the second database, and to transmit at least a portion of the required input data from the second database to the gaming machines over the network. There is no such feature described in Acres. The Examiner construes the bank controller 24 of Acres as the claimed second database. Controller 24 is described in Col. 3, line 64 – Col. 4, line 12, but there is no description of any data being stored by controller 24, much less data required by the gaming machines as claimed. As far as the undersigned can determine, there is no flow of data from bank controller to the gaming machines. The data flow is only in the direction of accounting system 38 or servers 42, 44 and 46. Therefore Acres does not anticipate amended claim 1.

In the Response to Arguments, the Examiner takes the position that there are no means for performing what the Examiner characterizes as functions, including using required data. This position is respectfully traversed. As pointed out in Amendment A, the claims are drafted with electrical structural terms, such as a network and a data processing unit. These structures provide what the Examiner deems to be functions. Functional limitations must be considered as part of claim limitations. As stated in MPEP § 2173.05(g):

A functional limitation is an attempt to define something by what it does, rather than by what it is ... There is nothing inherently wrong with defining some part of an invention in functional terms.

A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step...

The Examiner's exclusion of functional limitations from the claims is contrary to the MPEP, and the applicants respectfully request that the Examiner withdraw this position.

For the foregoing reasons, claim 1 is not anticipated by Acres '483, and is allowable as amended.

Claims 2-7 and 10 are dependent on claim 1 and are allowable over Acres '483 for the same reasons as claim 1.

The Examiner's statements that various features recited in claims 4-7 and 10 are well known and inherent to Acres game machines are respectfully traversed. In the Response to Arguments, the Examiner addresses only two of the features of claims 4-7 and 10 and relies on inherency:

[The] Nevada Gaming Commission [has] regulations regarding the requirement for all data in gaming systems to be metered as well as the maintenance of player identification in player tracking systems...Such serves as the examiner's basis for the statement of inherency in that the Acres/Rowe systems are designed to be commercially viable and therefore must meet regulatory requirements of gaming jurisdictions. These items must necessarily be present for gaming approval.

The Examiner's comments address a portion of claims 4, 6 and 10, but do not address the subject matter of claims 5 and 7. Regarding claim 4, the Examiner's comments do not make out a case of inherency as required by MPEP 2163.07(a):

To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient."

Claims 4 and 10 are limited to gaming machines comprising meters. A regulation requiring that gaming systems be metered does not mean that the meters are part of the gaming machines. They could be in other parts of the system. Thus, contrary to MPEP 2163.07(a), the claimed subject matter is not necessarily in the systems on which the Examiner relies.

Likewise, claim 6 is limited to gaming machines responsive to a card bearing identification code and to credit balances addressable in response to the identification code. None of these features are necessarily present in a system that merely maintains player identification in player tracking systems as relied on by the Examiner. For all the foregoing reasons, the applicants respectfully repeat their request that the Examiner provide a reference(s) in support of the asserted well known features.

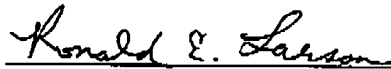
Responding further to the 35 USC § 102 rejections, the rejection of claims 1-10 and 21-26 under 35 U.S.C. 102(a) as being anticipated by Rowe '907 ("Rowe") is respectfully traversed. Regarding amended claim 1, the Examiner construes the clerk validation terminals (CVTs) of Rowe as the claimed second database. However, there is no teaching in Rowe of a processing unit arranged to obtain the input data from the first database required by the gaming machines, to store the required input data in the second database, and to transmit at least a portion of the required input data from the second database to the gaming machines over the network as claimed. As far as the undersigned can determine, there is no flow of data from the CVTs to the gaming machines. The data flow is only in the direction of components shown at the left-hand side of Fig. 2. Therefore Rowe does not anticipate amended claim 1.

Independent claims 21 and 34 have been amended in ways analogous to the amendment of claim 1 and are allowable for the same reasons as claim 1. The limitations of claims 21 and 34 deemed to be functional by the Examiner need to be considered for the same reasons explained in connection with claim 1. The Examiner has not applied Rowe to claim 34 or to any of the claims dependent on claims 1, 21 or 34, and these dependent claims also are allowable for the same reasons as independent claims 1, 21 and 34.

In summary, claims 1-10, 21-26 and 34-39 are allowable, and such action is respectfully solicited.

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Respectfully submitted,



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